

the provisions of this part applicable to construction permits and operating licenses, including the requirement in §50.58 for review of the application by the Advisory Committee on Reactor Safeguards and the holding of public hearings, apply to construction permits and operating licenses subject to this appendix N.

2. Applications for construction permits submitted pursuant to this appendix must include the information required by §§50.33, 50.34(a) and 50.34(a) and (b) and be submitted as specified in §50.4. The applicant shall also submit the information required by §51.50 of this chapter.

3. Applications for operating licenses submitted pursuant to this appendix N shall include the information required by §§50.33, 50.34(b) and (c), and 50.34a(c). The applicant shall also submit the information required by §51.53 of this chapter. For the technical information required by §§50.34(b)(2) through (5) and 50.34a(c), reference may be made to a single final safety analysis of the design.

[40 FR 2977, Jan. 17, 1975, as amended at 49 FR 9405, Mar. 12, 1984; 51 FR 40311, Nov. 6, 1986; 70 FR 61888, Oct. 27, 2005]

APPENDIX O TO PART 50 [RESERVED]

APPENDIX P TO PART 50 [RESERVED]

APPENDIX Q TO PART 50—PRE-APPLICATION EARLY REVIEW OF SITE SUITABILITY ISSUES

This appendix sets out procedures for the filing, Staff review, and referral to the Advisory Committee on Reactor Safeguards of requests for early review of one or more site suitability issues relating to the construction and operation of certain utilization facilities separately from and prior to the submittal of applications for construction permits for the facilities. The appendix also sets out procedures for the preparation and issuance of Staff Site Reports and for their incorporation by reference in applications for the construction and operation of certain utilization facilities. The utilization facilities are those which are subject to §51.20(b) of this chapter and are of the type specified in §50.21(b) (2) or (3) or §50.22 or are testing facilities. This appendix does not apply to proceedings conducted pursuant to subpart F of part 2 of this chapter.

1. Any person may submit information regarding one or more site suitability issues to the Commission's Staff for its review separately from and prior to an application for a construction permit for a facility. Such a submittal shall be accompanied by any fee required by part 170 of this chapter and shall consist of the portion of the information required of applicants for construction permits by §§50.33(a)–(c) and (e), and, insofar as it re-

lates to the issue(s) of site suitability for which early review is sought, by §§50.34(a)(1) and 50.30(f), except that information with respect to operation of the facility at the projected initial power level need not be supplied.

2. The submittal for early review of site suitability issue(s) must be made in the same manner and in the same number of copies as provided in §§50.4 and 50.30 for license applications. The submittal must include sufficient information concerning a range of postulated facility design and operation parameters to enable the Staff to perform the requested review of site suitability issues. The submittal must contain suggested conclusions on the issues of site suitability submitted for review and must be accompanied by a statement of the bases or the reasons for those conclusions. The submittal must also list, to the extent possible, any long-range objectives for ultimate development of the site, state whether any site selection process was used in preparing the submittal, describe any site selection process used, and explain what consideration, if any, was given to alternative sites.

3. The Staff shall publish a notice of docketing of the submittal in the FEDERAL REGISTER, and shall send a copy of the notice of docketing to the Governor or other appropriate official of the State in which the site is located. This notice shall identify the location of the site, briefly describe the site suitability issue(s) under review, and invite comments from Federal, State, and local agencies and interested persons within 120 days of publication or such other time as may be specified, for consideration by the staff in connection with the initiation or outcome of the review and, if appropriate by the ACRS, in connection with the outcome of their review. The person requesting review shall serve a copy of the submittal on the Governor or other appropriate official of the State in which the site is located, and on the chief executive of the municipality in which the site is located or, if the site is not located in a municipality, on the chief executive of the county. The portion of the submittal containing information required of applicants for construction permits by §§50.33(a)–(c) and (e) and 50.34(a)(1) will be referred to the Advisory Committee on Reactor Safeguards (ACRS) for a review and report. There will be no referral to the ACRS unless early review of the site safety issues under §50.34(a)(1) is requested.

4. Upon completion of review by the NRC staff and, if appropriate by the ACRS, of a submittal under this appendix, the NRC staff shall prepare a Staff Site Report which shall identify the location of the site, state the site suitability issues reviewed, explain the nature and scope of the review, state the conclusions of the staff regarding the issues

reviewed and state the reasons for those conclusions. Upon issuance of an NRC Staff Site Report, the NRC staff shall publish a notice of the availability of the report in the FEDERAL REGISTER and shall make the report available at the NRC Web site, <http://www.nrc.gov>. The NRC staff shall also send a copy of the report to the Governor or other appropriate official of the State in which the site is located, and to the chief executive of the municipality in which the site is located or, if the site is not located in a municipality, to the chief executive of the county.

5. Any Staff Site Report prepared and issued in accordance with this appendix may be incorporated by reference, as appropriate, in an application for a construction permit for a utilization facility which is subject to §51.20(b) of this chapter and is of the type specified in §50.21(b) (2) or (3) or §50.22 of this chapter or is a testing facility. The conclusions of the Staff Site Report will be reexamined by the staff where five years or more have elapsed between the issuance of the Staff Site Report and its incorporation by reference in a construction permit application.

6. Issuance of a Staff Site Report shall not constitute a commitment to issue a permit or license, to permit on-site work under §50.10(e), or in any way affect the authority of the Commission, Atomic Safety and Licensing Appeal Panel, Atomic Safety and Licensing Board, and other presiding officers in any proceeding under subpart F and/or G of part 2 of this chapter.

7. The staff will not conduct more than one review of site suitability issues with regard to a particular site prior to the full construction permit review required by subpart A of part 51 of this chapter. The staff may decline to prepare and issue a Staff Site Report in response to a submittal under this appendix where it appears that, (a) in cases where no review of the relative merits of the submitted site and alternative sites under subpart A of part 51 of this chapter is requested, there is a reasonable likelihood that further Staff review would identify one or more preferable alternative sites and the Staff review of one or more site suitability issues would lead to an irreversible and irretrievable commitment of resources prior to the submittal of the analysis of alternative sites in the Environmental Report that would prejudice the later review and decision on alternative sites under subpart F and/or G of part 2 and subpart A of part 51 of this chapter; or (b) in cases where, in the judgment of the Staff, early review of any site suitability issue or issues would not be in the public interest, considering (1) the degree of likelihood that any early findings on those issues would retain their validity in later reviews, (2) the objections, if any, of cognizant state or local government agencies to the conduct of an early review on those issues, and (3) the pos-

sible effect on the public interest of having an early, if not necessarily conclusive, resolution of those issues.

[42 FR 22887, May 5, 1977, as amended at 49 FR 9405, Mar. 12, 1984; 51 FR 40311, Nov. 6, 1986; 53 FR 43420, Oct. 27, 1988; 64 FR 48952, Sept. 9, 1999]

APPENDIX R TO PART 50—FIRE PROTECTION PROGRAM FOR NUCLEAR POWER FACILITIES OPERATING PRIOR TO JANUARY 1, 1979

I. INTRODUCTION AND SCOPE

This appendix applies to licensed nuclear power electric generating stations that were operating prior to January 1, 1979, except to the extent set forth in §50.48(b) of this part. With respect to certain generic issues for such facilities it sets forth fire protection features required to satisfy Criterion 3 of appendix A to this part.

Criterion 3 of appendix A to this part specifies that “Structures, systems, and components important to safety shall be designed and located to minimize, consistent with other safety requirements, the probability and effect of fires and explosions.”

When considering the effects of fire, those systems associated with achieving and maintaining safe shutdown conditions assume major importance to safety because damage to them can lead to core damage resulting from loss of coolant through boiloff.

The phrases “important to safety,” or “safety-related,” will be used throughout this appendix R as applying to all safety functions. The phrase “safe shutdown” will be used throughout this appendix as applying to both hot and cold shutdown functions.

Because fire may affect safe shutdown systems and because the loss of function of systems used to mitigate the consequences of design basis accidents under postfire conditions does not per se impact public safety, the need to limit fire damage to systems required to achieve and maintain safe shutdown conditions is greater than the need to limit fire damage to those systems required to mitigate the consequences of design basis accidents. Three levels of fire damage limits are established according to the safety functions of the structure, system, or component:

Safety function	Fire damage limits
Hot Shutdown	One train of equipment necessary to achieve hot shutdown from either the control room or emergency control station(s) must be maintained free of fire damage by a single fire, including an exposure fire. ¹